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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,370	03/22/2001	Jeff Davies	9156.00	4267

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EXAMINER

GARG, YOGESH C

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,370

Applicant(s)

DAVIES, JEFF

Examiner

Yogesh C Garg

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26, 27 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26, 27, and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/20/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges the Applicant's amendment received on July 19, 2004. The Applicant has amended claim 26. Currently claims 26, 27 and 33 are pending for examination.

Drawings

2. The revised drawings for FIG.1 were received on July 19, 2004. These drawings are accepted.

Specification

3. The proposed amendments to paragraph beginning on page 7, line 18 of the specification are acknowledged and entered.

Response to Arguments

4. Applicant's arguments, see Remarks page 5-6, concerning currently amended claim 26 have been fully considered but are moot in view of the new ground(s) of rejection necessitated due to the amendment. This is a Final Office action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26, 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili (US Patent 6,088,683) and further in view of Clifton et al. (US 2002/0194089 A1), hereinafter, referred to as Clifton.

Regarding claim 26, Jalili discloses a method of a customer using a first device in the form of a web-interface device to access a web site associated with a merchant to conduct an on-line sales transaction with the merchant and a second device in the form of a communications device to access a financial institution to authorize payment for the on-line sales transaction between the merchant and the customer (see at least abstract, FIG.1 and col. 2, line 15-col.3, line 6), the method comprising:

arranging via the first device with the merchant an on-line agreement which involves a future payment of funds for the on-line sales transaction (see at least FIG.1, col.2, lines 15-39, "*.....When shopping, the customer browses for goods and services using a public network (the Internet or World-Wide Web). The FIGURE shows schematically the steps involved in a transaction according to a first embodiment of the invention. In step 1, the customer selects the goods or services to be purchased from a merchant The merchant generates a purchase number associated with the customer's selections. ...*". Note: The use of Internet corresponds to the first device which is used in making purchases involving a future payment of funds.);

receiving via the first device from the merchant a transaction authorization code which identifies the on-line agreement (see at least col.2, lines 15-39, "*... In step 2, the merchant then delivers a purchase number together with a merchant number to the processing center, by E-mail, phone, or another means, for example on an invoice addressed to the processing center. The invoice may include the buyer's registered name (not necessarily his real name), a*

telephone number, the merchant's name and identification number, a list of items being purchased together with the price of each, a total price, an expiration time, or optional attachments for the merchant's use. ". Note: Here, Jalili discloses receiving a purchase number of the invoice via e-mail from the merchant and E-mail implies Internet that is the first device as claimed in the limitation. The purchase number on the Invoice corresponds to the transaction authorization code which is used to correlate and identify an invoice stored in a database, see col.2, lines 49-67.). It is to be noted that the limitation " which identifies a location in a database in which the on-line agreement has been stored" merely states the result of the limitations in the claim and adds nothing to the patentability or substance of the claim. See Texas Instruments Inc. v. International Trade Commission, 26 USPQ2d 1018 (CAFC 1993). In this case, the manipulative step was directed to a process for receiving data which represents a transaction authorization code and " which identifies a location in a database in which the on-line agreement has been stored" expresses results of what is recited in the rest of the claim based on the type of the data . The limitation " which identifies a location in a database in which the on-line agreement has been stored" does not further add any meaningful action to the step of receiving.

Jalili as applied to claim 26 teaches receiving an authorization code in the form of purchase number generated by the merchant but it does not teach receiving said authorization code while the customer is conducting the on-line sale transaction with the merchant. However, Clifton, in the same field of endeavor of conducting electronic commerce in a web-based environment, teaches receiving an authorization code while the customer is conducting the on-line sale transaction with the merchant (see at least paragraph 0019, page 1, " *In a preferred embodiment, a customer contacts a sales representative of a vendor via telephone for assistance in ordering a build-to-order PC. If that is the case, once the customer has decided on a configuration, the sales representative will provide the customer with a unique quote number*

identifying the selected configuration, information about the customer, and any other information the possession of which is necessary or useful in subsequently ordering the selected configuration. “

Note: The unique quote number provided to the user by the merchant while configuring the potential product to be purchased corresponds to receiving an authorization code while the customer is conducting the on-line sale transaction with the merchant. Conducting a transaction on telephone is an online sale transaction. In view of Clifton, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Jalili to incorporate the feature of receiving an authorization code in the form of a unique quote number or the order number from the merchant while the customer is conducting the on-line sale transaction with the merchant because the consumer can use the said unique code received earlier on the vendor's website to easily order the selected configuration or reorder it without having to spend a substantial amount of time and efforts again to reconstruct the configuration and the order, as explicitly suggested in Clifton.

Jalili in view of Clifton as applied to claim 26 above further teaches communicating via the second device to financial institution the transaction authorization code to allow the financial institution to access from the database details relating to the on-line agreement and to allow the financial institution to authorize a transfer of funds from a financial account of the customer to a financial account of the merchant based the details relating to the on-line agreement without having to reveal details of the customer's financial account to the merchant (see at least Jalili col.2, lines 40-67, “ *In step 3, to complete the sale, the customer accesses the processing center using a touch-tone phoneIn step 4, The customer interacts with the processing center by some means, for example, using a telephone hand set The choices will allow the buyer to select the invoice(s) to be paid or cancelled, and the credit card(s) to be used.*”. Note: Use of telephone is the second device, the processing center corresponds to

a financial transaction for transfer of funds and by selection of an invoice (that is purchase number on the invoice) corresponds to communicating the transaction authorization code which enables implementation of payment). Since the transfer of funds is processed by the processing center the customer's financial account is not revealed to the merchant and the correlation is made by using the invoice (purchase) number).

Regarding claim 27, Jalili in view of Clifton as applied to claim 26 further discloses that the on-line agreement concerns the supply of goods or services provided by the merchant (see Jalili at least col.2, lines 19-20, "*....In step 1, the customer selects the goods or services to be purchased from a merchant* ").

Regarding claim 33, Jalili discloses that the second device comprises a telephone (see Jalili at least col.2, lines 40-67, " *In step 3, to complete the sale, the customer accesses the processing center using a **touch-tone phone**In step 4, The customer interacts with the processing center by some means, for example, **using a telephone hand set***).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

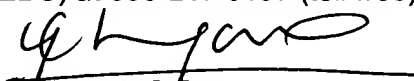
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
October 15, 2004